

Board of Supervisors

UPPER UWCHLAN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE #04-06

An Ordinance prescribing parking regulations during snow emergencies and establishing prohibition of depositing snow and ice on public roadways (Section 13) and other public associated entities; (Section 15) and snow clearing of sidewalks (Section 14) and providing penalties for violations thereof.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township and it is hereby **ENACTED** and **ORDAINED** by authority of the same as follows:

Section 1: Definitions. As used in this Ordinance, the following term shall have the meanings indicated, unless a different meaning clearly appears from the context:

Cartway – Portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Sidewalk – A level, concrete area, used as a pedestrian walkway, which
parallels but is separate from the cartway of a street.

Street or Highway – The entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Section 2: Interference with snow removal, salting, cindering or plow operations.

It shall be unlawful to park any vehicle on any public street or road during the course of any snow storm, ice storm or snow fall, during the course of which or following which any salting, cindering, plowing or other snow or ice removal operations are undertaken by the Township or by any other governmental unit authorized to undertake such operations or by any private contractors under contract for such operations to the Township or to any other governmental unit authorized to undertake such operation. It shall further be unlawful to park any vehicle on any public street or road following such storm for a period of twelve (12) hours or until the completion of any salting, cindering, plowing, or snow removal operations as aforesaid, whichever period is greater. A snow storm, ice storm, or snow fall requiring salting, cindering, plowing or other snow removal operations as aforesaid shall be construed to mean any such snow storm, ice storm or snow fall during or immediately following, which the Township or other governmental unit or private contractor under contract to the Township or other governmental unit actually undertakes such operations and shall include but not be limited to any storm during which there is an accumulation of at least one (1) inch of snow as measured at Philadelphia International Airport, by the National Weather Service or other official governmental body authorized to make such measurement.

Section 3: Authority to remove and impound illegally parked vehicles. The Township is hereby authorized to remove and impound or to order the removal and impounding of any vehicle parked on any street or roads or sidewalks of Upper Uwchlan Township in violation of the provisions of this Ordinance providing that no vehicle shall be removed or impounded except in adherence to the provisions of this Ordinance.

Section 4: The Township by Resolution shall designate an approved storage facility as a pound for the storage of such impounded vehicles and every such approved storage facility shall post a bond in an amount fixed by the Township Resolution from time to time, said bond to be filed with the Board of Supervisors indemnifying of the owner of any such impounded vehicle against the loss thereof of injury or damage thereto while in the custody of such storage garage.

Section 5: Towing and storage charge as fixed. The Township shall by Resolution from time to time fix and establish the charges that shall be made for the towing and storage of any vehicle removed and impounded under the authority of this Ordinance.

Section 6: Timing of removal and impounding illegally parked vehicles. The Township shall have the right to remove and impound vehicles that are parked illegally as set forth in **Section 1** hereof.

Section 7: Township to notify owners. Within twelve (12) hours from the time of the removal of any vehicle and under the authority of this Ordinance, notice of the fact that such vehicle has been impounded shall be sent by the Township to the owner of record of such vehicle; such notice shall designate the place from which such vehicle was removed, the reason(s) for its removal and impounding and the place it shall have been impounded.

Section 8: Effective payment of charges without protest. The payment of any towing and impounding charges as authorized by this Ordinance shall, unless such payment shall have been made under protest, be final and conclusive and shall constitute a waiver of any right to recover the monies so paid.

Section 9: Payment of charges under protest. In the event that any towing and impounding charges so imposed shall be paid under protest the offender shall be entitled to a hearing before a justice of the peace, a district justice or court of record having jurisdiction, in which case such offender shall be proceeded against and shall receive such notice as is provided by the Vehicle Code as in other cases of summary offenses and shall have the rights as to appeal and waiver of hearing as therein provided.

Section 10: Records of vehicles impounded. The Township shall keep a record of all vehicles impounded and shall be able at all reasonable times to furnish the owner or agents of the owners thereof with information as to the place of the storage of such vehicles.

Section 11: Owner or operator of vehicle remains liable. The paying of towing and storing charges shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or Ordinance on account of which such vehicle was removed and impounded.

Section 12: Restrictions upon removal of vehicles. No vehicles shall be removed under the authority of the Ordinance if, at the time of the intended removal thereof the owner or person in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle immediately.

Section 13: Depositing snow on Township roads. It shall be a violation of this Ordinance if any person deposits snow from private property onto any Township street or road and the piling of ice and snow on any property that would prohibit the ability for the operators of motor vehicles or any pedestrians with limited sight distance to safely see other persons or vehicles that may come upon them.

Section 14: Sidewalks and walkways open to the public. The owners of any property with sidewalks/walkways shall have all ice and snow removed from such sidewalks 24 hours from the last snow/ice fall. Owners shall then maintain these sidewalks to ensure they remain free of the hazards of snow and ice.

Section 15: Depositing snow on fire hydrants and other entities. It shall be a violation of this Ordinance to deposit snow upon any fire hydrant or connection for any fire suppression system and upon official United State mail receptacle.

Section 16: Enforcement and penalty. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars plus costs of prosecution.

Section 17: Severability. The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this Ordinance would have been adopted had such unconstitutional or illegal provision not been included herein.

Section 18: Effective date. This Ordinance shall be and become effective five (5) days from the passage thereof.

ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township, Chester County, Pennsylvania, this First day of November, 2004.

UPPER UWCHLAN TOWNSHIP

BOARD OF SUPERVISORS

Charles W. Lobb, Chairman

Donald B. Carlson, Vice Chairman

Catherine A. Tomlinson, Member